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# The right to food

## Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the interim report of the Special Rapporteur on the right to food, Jean Ziegler, in accordance with General Assembly resolution 60/165.

* A/61/150.
** This report is submitted late in order to contain as much updated information as possible.

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# Report of the Special Rapporteur on the right to food

*Summary*

The Special Rapporteur on the right to food is gravely concerned that, despite promises to eradicate hunger, there has been little progress in reducing the global number of victims of hunger. In fact, global hunger is on the rise. The number of people suffering from hunger has increased to 852 million people around the world. Every five seconds, a child will die from hunger and malnutrition-related illness. This is a shame on humanity.

In a world that is richer than ever before, and which already produces enough food to feed the global population, hunger and famine are not inevitable. They are a violation of human rights. All human beings have the right to live in dignity, free from hunger. The right to food is a human right.

In this report, the Special Rapporteur highlights some positive national developments with respect to the right to food, before reporting to the General Assembly on issues of serious concern. Given that the Assembly declared 2006 the International Year of Deserts and Desertification, a section of the report focuses on the impact of drought, desertification and land degradation on the right to food, particularly in Africa. The report then discusses the creation of the new Human Rights Council and its first decisions on international legal instruments that relate to the protection of the right to food. The report ends with conclusions and recommendations.

In his recommendations, the Special Rapporteur urges all Governments to respond to urgent appeals in relation to food crises. Concluding that hunger is still primarily a rural problem, the Special Rapporteur also strongly encourages massive investment to be directed towards rural development and small-scale agriculture and pastoralism to fight food insecurity. In addition, the Special Rapporteur believes that fighting hunger must include fighting desertification and land degradation, through investments and public policies appropriate to the specific risks of drylands. To this end the Special Rapporteur urges all States parties to implement the United Nations Convention to Combat Desertification.

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# I. Introduction

1. The Special Rapporteur on the right to food hereby submits his sixth report to the General Assembly, as requested by the General Assembly in its resolution 60/165. His mandate was assumed and extended by the Human Rights Council on the basis of Assembly resolution 60/251 and Council decision 2006/102.

2. In this report, the Special Rapporteur must report to the General Assembly that, despite increasing recognition of the human right to food worldwide, there has been little progress in reducing the global number of people suffering from hunger. More than 852 million people do not get enough food each day to sustain a healthy life; 815 million people in developing countries, 28 million in transition countries and 9 million in the industrialized countries.[1] Global hunger has been on the rise since 1996, despite promises made at the World Food Summit and in the Millennium Development Goals. It is a shame on humanity, that in a world that is richer than ever before, 6 million children die of malnutrition and related illnesses before they reach the age of five. According to the Food and Agriculture Organization of the United Nations (FAO), our planet already produces enough food to feed every child, woman and man.[2] It could produce enough food to feed 12 billion people, double the world's current population.

3. Hunger is not inevitable. It is a violation of human rights. The right to food is a human right that protects the right of all human beings to live in dignity, free from hunger. It is protected under international human rights and humanitarian law. As defined by the United Nations Committee on Economic, Social and Cultural Rights in its general comment No. 12 (1999), "(t)he right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (para. 6). Inspired by the general comment, the Special Rapporteur defines the right to food as

> "the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear".

4. Despite the universal recognition that freedom from hunger is a human right, hunger persists across the world. The majority of the hungry live in Asia and Africa. Most of them live in rural areas. In fact, approximately 80 per cent of the hungry live in rural areas[3] and depend on agriculture and pastoralism to survive. They are hungry because they do not have enough work, or access to productive resources like land and water sufficient to feed their families. More than 65 per cent of the hungry live on small plots of land and produce crops for subsistence and for sale on local markets. Many face problems because they live in remote lands or marginal lands that are vulnerable to drought and natural disasters.[4] Good, fertile land tends to be concentrated in the hands of wealthier landowners. For example, in

[1] *The State of Food Insecurity in the World 2004* (Rome, FAO, 2004).
[2] *The State of Food Insecurity in the World 2003* (Rome, FAO, 2003).
[3] Millennium Project Task Force on Hunger, *Halving hunger by 2015: a framework for action* Interim report (Millennium Project, New York, 1 February 2004).
[4] Ibid.

Guatemala, the Special Rapporteur saw that most of the fertile lands of central Guatemala were part of huge plantations while the majority of indigenous people had to cultivate the steep slopes of Guatemala's mountainous regions (see E/CN.4/2006/44/Add.1). Another 20 per cent of the hungry are not small farmers, but landless labourers dependent on agricultural labour, paid pitiful wages that are insufficient to feed their families. With the situation deteriorating in rural areas, migrants are moving to urban slums and urban hunger is rising fast with 20 per cent of the hungry now living in urban areas[5] but unable to find livelihoods that can feed their families.

5. Many small farmers face hunger as a result of the effects of macroeconomic and international trade policies on local markets (see E/CN.4/2004/10). At the time of writing, the collapse of the Doha trade negotiations within the World Trade Organization was in the headlines.[6] The so-called "development round" of trade talks has collapsed because the most developed countries, particularly the European Union (EU) and the United States of America, have not lived up to their promises to promote development through trade. Developed countries have refused to liberalize their own agriculture (even while preaching free trade and unilateral liberalization to poor countries), without regard to the impacts on development and food security in the least developed countries. No deal was reached on export subsidies. This means that dumping will continue. Dumping of agricultural products, sold at below-cost-of-production prices, in developing country markets will continue to hurt the livelihoods of millions of small farmers in the least developed countries. In Africa or Latin America, for example, it is possible for shops and supermarkets to buy subsidized maize or vegetables from Europe or the United States at a price that is lower than that of local produce. Millions of African and Latin American peasants, who toil with their families more than 15 hours per day, have no markets to sell their crops and cannot earn enough to feed their families. Hunger is a global responsibility.

6. Hunger is also related to the global effects of climate change, desertification and land degradation. Without adequate investment in small-scale irrigation and small-scale agriculture, there is little hope of eradicating hunger. When the land becomes as hard as concrete and the wells dry up, thousands of families are forced every year to leave their villages and migrate to city slums.

7. This report will look specifically at the impact of desertification and land degradation on the right to food, particularly in Africa. It will first give a brief overview of the activities of the Special Rapporteur over the last year, and will highlight positive national and international developments with respect to the right to food, as well as reporting to the General Assembly on issues of serious concern to the Special Rapporteur. The report finishes with a series of recommendations.

## Activities of the Special Rapporteur

8. Since his last report to the General Assembly (A/60/350), the Special Rapporteur has continued to promote and protect the right to food. He carried out official missions to Guatemala (see E/CN.4/2006/44/Add.1) and to India (see

[5] Ibid.

[6] Associated Press, 24 July 2006, "Global trade talks collapse over farm subsidies".

E/CN.4/2006/44/Add.2), as well as an exceptional, emergency mission to Niger in July 2005. He would urge the Assembly to take account of these reports. In the first half of 2006, in view of the transition between the Commission on Human Rights and the Human Rights Council, the Special Rapporteur has not carried out country missions, but with the decision of the Council to extend his mandate in June 2006, the Special Rapporteur will carry out country missions in the second half of the year.

9. As the Special Rapporteur's mandate requires him to receive and respond to information on the right to food submitted by governmental and non-governmental organizations (NGOs), the Special Rapporteur has sent out 28 communications to Governments over the last year asking for further information regarding specific allegations of violations of the right to food. The Special Rapporteur views this process as an important means of cooperation with Member States, as it opens a constructive dialogue about specific cases that can be remedied. This year, the majority of the communications were sent jointly with other relevant thematic or country-based special procedures, and were addressed to the Governments of Australia, Brazil, Chile, Colombia, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Ecuador, India, Indonesia, Israel, the Lao People's Democratic Republic, Mexico, Myanmar, the Philippines, the Republic of Moldova, the Sudan and the United States of America. Communications were also sent to the European Union. Approximately half related to allegations of violations of the obligation to respect the right to food on the part of State agents, for example, forced evictions from land that inhibited peoples' access to food. The remaining communications related to allegations that relevant authorities failed to protect or fulfil the right to food. The Special Rapporteur appreciated receiving constructive replies, in particular from Australia, Colombia, the Lao People's Democratic Republic, Indonesia and the Philippines, which have either resolved the concerns or initiated a debate about actions that could be taken.

10. The Special Rapporteur has also continued to work closely with Governments and parliaments for the promotion of the right to food. On 14 July 2006, he attended an international conference, "Food Insecurity and the Right to Food", with the Mayor of Rome, organized in collaboration between the University of Florence and the Unidea-Unicredit Foundation. In May 2006, he spoke in Berlin before the Commission for International Cooperation and Development Aid of the Bundestag and attended a symposium organized by the Green Party of Germany. At the invitation of the Government of Switzerland, the Special Rapporteur spoke at the Conference on International Human Rights and Humanitarian Law held in Fribourg from 20 to 23 September 2005. In December, under the auspices of the Government of Switzerland, he addressed the International Colloquium of Francophone Ministers of Human Rights and Ambassadors.

11. He has continued to work closely with United Nations agencies, particularly the World Food Programme (WFP) and FAO. In this International Year of Deserts and Desertification, he has initiated special collaboration with the secretariat of the United Nations Convention to Combat Desertification to analyse the linkages between desertification, hunger and the right to food. He participated in an important international conference on "Hunger, Poverty and Desertification" held in Geneva in April 2006. In May, he walked with WFP in its Worldwide March Against Hunger which was held at 10 a.m. in 400 cities in 116 different countries around the world, starting in New Zealand and ending in Samoa. In Switzerland, over 1,650

marchers participated, each contributing enough to provide lunch for 60 schoolchildren.

12. At the same time, he has continued to work with NGOs involved in human rights and development. He participated in the "World Social Forum on Migration" held in Madrid from 21 to 24 June 2006. In March, he participated in an international conference entitled "How can we achieve the Millennium Development Goals?" held at the Palais des Nations. As his mandate includes clean drinking water as an essential element of healthy nutrition, the Special Rapporteur has also worked to promote understanding of the fact that the right to water is a human right. On 26 November 2005, he was invited to make the inaugural presentation at the first conference for the creation of an international association on the right to water, ACME (Association pour le Contrat mondial de l'eau). He welcomes the recent "Ecumenical Water Declaration" signed in April 2005 between the Protestant and Catholic Churches of Switzerland and Brazil which promotes the right to water as a human right.[7]

# II. Positive developments with respect to the right to food

## A. Guatemala

13. Following his visit to Guatemala in February 2005, the Special Rapporteur welcomes the commitment of the Government to fight malnutrition and food insecurity and to promulgate a new National Law on Food Security. This Law, which was passed by Congress in May 2005, recognizes the right to food. Its definition of the right to food is grounded in general comment No. 12 of the Committee on Economic, Social and Cultural Rights. It identifies violations of the right to food and establishes a national system for the protection and progressive realization of the right to food. The Law also recommends the strengthening of the Office of the Ombudsman to monitor the protection and progressive realization of the right to food. The Special Rapporteur welcomes the work of the Office of the High Commissioner for Human Rights in Guatemala, FAO and the Grupo Interagencial de Seguridad Alimentaria y Nutricional (Inter-Agency Group on Food and Nutritional Security) on including the right to food in current strategies and programmes.

## B. India

14. The Special Rapporteur also welcomes developments in India which he learned about during his visit in August 2005. He was impressed by the full awareness of state and central Governments of their obligations to respect, protect and fulfil human rights, including the right to food. India implements the largest public food distribution system in the world. It has also made a great deal of progress in ensuring access to justice for securing respect for the right to food through decisions of the Supreme Court. In the last 15 years, in its decisions the Court has upheld the right to water of Dalits facing discrimination by the upper

[7] Signed by the National Conference of Brazilian Bishops and the National Council of Christian Churches, together with the Swiss Federation of Protestant Churches and the Swiss Episcopal Conference.

castes,[8] the right to a livelihood of traditional fisherpeople struggling against the shrimp industry[9] and the right to a livelihood of members of Scheduled Tribes threatened by the acquisition of land by a private company.[10] More recently, to fulfil the right to food and prevent deaths from starvation, the Court directed all State Governments to fully implement the existing food-based schemes of the central Government (see para. 40 below).[11] The Special Rapporteur welcomed the opportunity to attend the national Judicial Colloquium on the Right to Food held in Delhi at the initiative of the Right to Food Campaign which brought together 70 senior judges from across India to discuss the right to food.

### C. Brazil

15. The Special Rapporteur would also like to bring to the attention of the Assembly developments in Brazil, where the Government's Zero Hunger programme is serving as an important example for worldwide efforts to fight hunger. He welcomes the re-establishment of the National Food and Nutrition Security Council with a specific mandate to combat hunger and malnutrition in Brazil. A new draft law providing for a National Food and Nutrition System, approved in August 2006 by the Federal Commission on Constitution, Justice and Citizenship, recognizes the right to food and the obligations of the Government to respect, protect, promote, monitor, finance and fulfil the right to food. It also calls for the creation of mechanisms to ensure accountability for meeting these obligations. The Special Rapporteur has been impressed by the participation of the Ministério Público and Brazilian civil society in this process. He believes that the initiative of NGOs to establish the post of a national Special Rapporteur on the right to food within Brazil has had a profound effect on the growing recognition of the right to food as a human right in the country, and serves as an important example for civil society in other countries. He welcomes the holding of the International Conference on Agrarian Reform and Rural Development organized by the Government and FAO in Porto Alegre in March 2006. In the Final Declaration of this conference 95 States recognize that one important way to ensure the fulfilment of the right to food is to establish appropriate land reform to secure access to land for marginalized and vulnerable groups, and to adopt adequate legal frameworks and policies to promote traditional and family agriculture.

## III. Situations of special concern

16. In this report, the Special Rapporteur would like to draw the attention of the General Assembly to events and situations of serious concern regarding the realization of the right to food.

[8] *State of Karnataka* v. *Appa balu Ingale*, 1993.

[9] *S. Jagannath* v. *Union of India*, 1996.

[10] *Samatha* v. *State of Andhra Pradesh*, 1997.

[11] *People's Union for Civil Liberties* v. *Union of India & Ors*, 2001.

## A. Horn of Africa

17. The Special Rapporteur is particularly concerned about the situation across the Horn of Africa, where Djibouti, Ethiopia, Eritrea, Somalia and Kenya are currently seriously affected by a drought, food insecurity and livelihood crisis. As of April 2006, it was estimated that more than 15 million people were at risk of hunger and more than 8 million were in need of immediate emergency assistance due to severe malnutrition in the region.[12] National Governments are responding, but according to WFP this is insufficient and there is an urgent need for international donors to take action. The Special Rapporteur issued an emergency press release in February 2006 urging all Governments to support efforts to alleviate the crisis and to work towards long-term development to realize the right to food, in accordance with obligations set out in the International Covenant on Economic, Social and Cultural Rights. In April 2006, the Special Rapporteur met with the Special Humanitarian Envoy of the Secretary-General for the Horn of Africa, Kjell Magne Bondevik, participating in the launch of the United Nations Consolidated Appeal for the Horn of Africa on 7 April 2006. At the time of writing, the situation in the region continues to be critical and demands an immediate and holistic humanitarian emergency response linked to longer-term measures to support recovery and build resilience and resistance to drought. Although recent rains have mitigated the impact of drought in some areas, flooding has further deepened the humanitarian crisis in others. As long as chronic, structural food insecurity and problems of physical security remain, vulnerability to further food crises remains critically high.

## B. The Sahel

18. The Sahel region also remains highly vulnerable to food crises. At the time of writing, the latest reports suggest acute malnutrition levels above international emergency thresholds in Mali, Mauritania, the Niger, Burkina Faso and Chad.[13] In the Niger, notwithstanding the important long-term measures taken by the Government to increase rural food supplies, reinforce the national food security plan, combat desertification and, more generally, tackle the underlying reasons for the recurrent food crisis,[14] the situation remains precarious. The Special Rapporteur carried out an emergency mission to the Niger in 2005 to raise awareness of the severity of the situation and generate an international response. In 2006, despite the better harvest in late 2005, the situation is again deteriorating, food stocks remain low and cereal prices have been rising to as high as 50 per cent more than normal. As of May 2006, 23 zones of the country were in a precarious food security situation and 43 per cent of the country was reported to be at risk of serious food insecurity.[15] WFP and the Government have been responding, but resources available are inadequate and there is an urgent need for additional funds. In Mauritania, a succession of natural disasters has devastated rural livelihoods and left

[12] See United Nations Office for the Coordination of Humanitarian Affairs, Regional Overview: Drought in the Horn of Africa, April 2006.

[13] United Nations OCHA Consolidated Appeal, mid-year review dated 18 July 2006.

[14] See Integrated Regional Information Networks (IRIN) news report, "Niger: Government takes lead in combating hunger", 9 August 2006.

[15] See Republique du Niger, Cabinet du Premier Ministre, "Bulletin mensuel d'information sur la situation alimentaire, socio-économique, sanitaire et nutritionelle", 10 juin 2006, Bulletin d'information de la OC/SAP, No. 112.

many people in this arid country unable to feed themselves. The Special Rapporteur is particularly concerned about information that approximately 380,000 Mauritanians will go hungry at the end of July 2006 unless donors fund an additional US$ 4 million for United Nations food relief programmes.[16] The Special Rapporteur appeals to all Governments to respond to these needs. He also reiterates that across the Sahel there is an urgent need not only for food aid, but for investment in longer-term development strategies, especially small-scale water-harvesting and irrigation, that will reduce the vulnerability to drought and food insecurity for the millions of people suffering year after year from hunger and food crises.

## C. Darfur

19. The Special Rapporteur continues to be concerned about the situation in the Darfur region of the Sudan where an estimated 250,000 civilians have been displaced or re-displaced by large-scale violence since January 2006. A monthly average of 2.2 million beneficiaries received food assistance, while the total number of vulnerable persons rose to 3.6 million in 2006.[17] The volatile security situation means that this year's harvest will be much smaller than total needs. The ongoing conflict has not only hit regional cereal production; it has also severely reduced food commodity flows and has caused a breakdown of local trade. In addition, the Special Rapporteur is also deeply concerned that humanitarian operations are being threatened by the volatile security situation, and the information suggests that humanitarian agencies do not have access to over 600,000 people. The combination of insecurity and the looting of humanitarian assets has forced significant scaling down of humanitarian operations in several areas.[18] In June and July 2006 alone, eight humanitarian workers were killed. In addition, dozens of trucks loaded with food and medical assistance have been ambushed and looted. Despite the recent signing of the Darfur Peace Agreement, the situation on the ground has not improved and the conflict continues to cause widespread insecurity, displacement, and loss of life, land, livelihoods and livestock, which has severely affected the right to food. The situation of the population remains tragic. Without the presence of a credible multinational force, this tragedy will continue. The Special Rapporteur supports the proposal of the Secretary-General to send a multilateral peacekeeping force to Darfur. The Special Rapporteur is outraged by information he has received that at the end of April 2006, food rations had been cut by half for millions of people in western Darfur and eastern Sudan owing to a significant shortfall in funding. On 9 May 2006 the Special Rapporteur issued a press release urging States parties to the International Covenant on Economic, Social and Cultural Rights to immediately honour their obligations to help ensure the realization of the right to food. Despite some recent extraordinary contributions, it is reported that food aid supplies will run out in September or October.[19]

20. The Special Rapporteur has also received information that since September 2005 attacks by armed militias, including the Janjawid, from Darfur into eastern Chad have caused the forcible displacement of between 50,000 and 75,000 people.

[16] IRIN news report, "Mauritania: WFP appeals for urgent aid to head off food shortages", 16 June 2006.

[17] S/2006/426.

[18] Ibid.

[19] Ibid.

These displaced Chadians have very limited access to humanitarian assistance and are exposed to the threat of further attacks. Along Chad's eastern border with the Sudan, armed groups have been stealing cattle, the main source of wealth of rural communities such as the Dajo, Mobeh, Masalit and Kajaksa. Armed groups continue to operate with impunity, despite repeated international demands that they be disarmed. The Government of Chad has not been able to provide assistance to civilians who have become internally displaced as a result of these attacks.[20]

## D. Zimbabwe

21. The Special Rapporteur is concerned about the current situation in some regions of Zimbabwe. The implementation of the land reform programme has created problems of food insecurity. Although the price of maize is currently regulated to ensure that it is affordable for the poorest, other food prices are escalating in the face of economic problems, making it increasingly difficult for very poor people to be able to feed themselves.[21] He is also concerned about some aspects of the ongoing impacts of the slum-clearing Operation Murambatsvina carried out by the Government in 2005, affecting almost 700,000 people. While recognizing the efforts undertaken by the Government to solve this situation, the Special Rapporteur remains concerned about the information he continued to receive that many of those affected still do not have access to sufficient food for themselves and their families.

## E. Democratic People's Republic of Korea

22. The Special Rapporteur has continued to raise his concerns with the Government of the Democratic People's Republic of Korea over the realization of the right to food. In the last decade, hundreds of thousands of people have reportedly been killed by a "silent famine".[22] Natural disasters and restrictions on rights, including freedom of movement, and restricted access of humanitarian organizations mean that millions continue to suffer from hunger. The most recent nutritional survey, conducted in October 2004 by WFP, UNICEF and the Government, found that 37 per cent of children were stunted from malnutrition. Recent government decisions to restrict the emergency food assistance provided by international organizations, ban the private sale of grain and restrict the implementation of the public distribution system could lead to further violations of the right to food.[23] According to FAO, even if the entire cereal deficit, currently estimated at 900,000 tonnes for 2005 and 2006, were covered, per capita cereal consumption would remain low and below the nutritional requirement based on

[20] Amnesty International, Chad/Sudan. "Sowing the seeds of Darfur: ethnic targeting in Chad by Janjawid militias from Sudan", June 2006. Available at http://www.web.amnesty.org/library/Index/ENGAFR200062006?open&of=ENG-TCD.

[21] See IRIN news report "Military taking control of food production, claims NGO", 5 April 2006.

[22] Amnesty International, "Starved of rights: human rights and the food crisis in the Democratic People's Republic of Korea", 2004, ASA 24/003/2004. Available at http://www.web.amnesty.org/library/index/engasa240032004.

[23] Human Rights Watch, "A matter of survival: the North Korean Government's control of food and the risk of hunger", May 2006, vol. 18, No. 3 (c).

international standards.[24] While welcoming the move by the Government to allow international organizations to resume their operations in the north, the Special Rapporteur remains concerned that food assistance operations have only been allowed to resume on a smaller scale than before.

### F. Afghanistan

23. The Special Rapporteur is also concerned about the situation of the right to food in Afghanistan. It is reported that 5.5 million Afghans are extremely poor and chronically food insecure and another 8.5 million are seasonally food insecure. The volatile security situation in Afghanistan is endangering nutritional status and livelihoods through the displacement of increasing numbers of people in the southern and south-eastern regions. It is also restricting the work of humanitarian organizations including WFP, particularly for the most remote and food insecure communities.[25] In July 2006 the Government and the United Nations launched a joint humanitarian appeal in order to address the food crisis which the country has faced due to inadequate rainfall this year.[26] The Special Rapporteur has collaborated with WFP to raise international attention regarding all these food crises. He is impressed by the commitment and highly efficient work of WFP in crisis situations.

## IV. Desertification, land degradation and the right to food

24. Many of the ongoing food crises are the result of the impact of serious drought, desertification and land degradation and rising conflict over deteriorating resources. In arid regions around the world, as the land becomes as hard as concrete and the wells dry up, thousands of families are forced to leave their villages. But where can they go? To the slums which encircle the ever-growing cities of Africa, Asia and Latin America. Deprived of their lands and their subsistence, families suffer from permanent unemployment, hunger and desperation.

25. The destruction of ecosystems and the degradation of vast agricultural zones across the world, especially in Africa, have created tragedies for small farmers and pastoralists who have depended on their land to secure their right to food. It is now estimated that there are around 25 million "ecological refugees" or "environmental migrants",[27] i.e., people who have been forced to flee from their lands as a result of natural disasters, including floods, drought and desertification, and end up struggling to survive in the slums of the world's megacities. Land degradation causes migration and intensifies conflict over resources, particularly between pastoral and farming communities, as the Special Rapporteur witnessed in the Niger and in Ethiopia (see E/CN.4/2005/47/Add.1 and E/CN.4/2006/44). Many conflicts in Africa, including the conflict in the Darfur region of the Sudan, are linked with

[24] See FAO, "Crop Prospects and Food Situation", No. 2, July 2006.

[25] United Nations news service report, "Afghanistan: United Nations food agency renews appeal to fill critical funding shortfall", 3 July 2006.

[26] See United Nations/Government of Afghanistan, Afghanistan Drought Joint Appeal, July 2006.

[27] International Federation of Red Cross and Red Crescent Societies (IFRC), 2003 "World Disasters Report", Geneva, IFRC.

progressively worsening droughts and desertification that have contributed to conflict over resources.[28]

26. Eradicating hunger and fully realizing the right to food will depend on addressing the global problems of desertification and land degradation. With the General Assembly having declared 2006 as the International Year of Deserts and Desertification, this section of the report addresses the impact of desertification and land degradation on the right to food. It also calls for the effective implementation of the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.[29]

27. Globally, desertification and land degradation now affect over 1 billion people in over 100 countries,[30] including millions of people in both North and South, in both developing and developed countries. Dryland regions, where the land is arid or semi-arid and particularly vulnerable to the risk of degradation, comprise over 44 per cent of the world's cultivated land and support one third of the world's population (2 billion people).[31] The vast majority of people living in drylands, about 1.4 billion, live in Asia (including China and Mongolia) and another 270 million people live in Africa, but 140 million people in Europe and 177 million in the Americas are also affected.[32] However, the impacts of land degradation are most severe in developing countries, particularly in Africa, where millions of people are wholly dependent on land for their livelihoods as farmers or pastoralists, and where there are few alternative livelihoods. The African drylands are home to 325 million people, 46 per cent of the population of the continent.[33] Countries with the greatest dryland populations are Nigeria, South Africa, Morocco, Algeria, the Sudan and Ethiopia.[34] Today, in Africa, approximately 500 million hectares of land are affected by degradation, including two thirds of the region's productive agricultural land.[35] The last four decades of repeated drought in the Sudano-Sahelian region have left people and their land increasingly vulnerable to degradation and desertification, and the resulting destitution. In the last year, droughts and food crises have spread across the drylands of the Sahel and the Horn of Africa threatening millions of people with hunger and starvation, as reported above.

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[28] M. Leighton, "Desertification and Migration" in P. M. Johnson, K. Mayrand and M. Paquin, *Governing Global Desertification: Linking environmental degradation, poverty and participation* (Aldershot, United Kingdom, Ashgate, 2006).

[29] See the Convention text at: http://www.unccd.int/convention/text/convention.php?annexNo=0.

[30] International Year of Deserts and Desertification, http://www.iydd.org/, accessed 4 July 2006. Desertification is defined as "land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities" in article 1, United Nations Convention to Combat Desertification.

[31] Millenium Ecosystems Assessment, "Ecosystems and Human Wellbeing: Desertification Synthesis" Washington, D.C., World Resources Institute, 2005, p. 1.

[32] R. P. White and J. Nackoney, *Drylands, People, and Ecosystems Goods and Services: A web-based geospatial analysis* (Washington, D. C., World Resources Institute, 2003).

[33] This includes the entire continent, not only sub-Saharan Africa.

[34] "Attacking poverty, while improving the environment: towards win-win policy options". Paper prepared following United Nations Development Programme and the European Commission, Brussels, Belgium, 20-21 January 1999. Available on the Internet at: http://www.undp.org/seed/pei/.

[35] United Nations Environment Programme, 2003, cited in P. M. Johnson, K. Mayrand, and M. Paquin, "The United Nations Convention to Combat Desertification in Global Sustainable Development Governance" in P. M. Johnson, K. Mayrand, and M. Paquin, op. cit.

28. Hunger is highly concentrated in arid countries where rainfall is low and uncertain, but where people nevertheless remain dependent on agricultural economies, especially in Africa. In the Niger, for example, which the Special Rapporteur visited in 2001 and again in 2005, close to 95 per cent of productive land is dryland and the population is predominantly rural, chronically poor and subject to repeated food crises (see E/CN.4/2006/44). In Zimbabwe, the overwhelming majority of the poor live in rural areas and poverty is deepest in the low-rainfall areas of Matabeleland South, Masvingo and Matabeleland North provinces.[36] In Chad, which has an agricultural economy reliant on volatile rains, four fifths of the population is rural and an even higher proportion is poor.[37] Levels of undernourishment are particularly high across sub-Saharan Africa, with 34 per cent of its population, or 186 million people, chronically undernourished.[38] Sub-Saharan Africa is also the only region in the world where food production per capita is not expected to be able to keep up with population growth[39] and where food insecurity is increasing.[40]

29. It is estimated that 50 per cent of the world's 852 million hungry people live on marginal, dry and degraded lands, according to the Millennium Project Task Force on Hunger.[41] Half of the world's hungry people therefore depend for their survival on land which is inherently poor, and may be becoming less fertile and less productive as a result of the impacts of repeated droughts, climate change and unsustainable use of the land. This means that eradicating hunger will require addressing desertification and land degradation as a key element of realizing the right to food. The Millennium Project report suggests that "[a]bout half of food-insecure people in developing countries are farm households in higher-risk lands with low or highly unreliable rainfall, inherently poor or degraded soils, unfavourable topography and remoteness from markets and public services. These are mainly located in sub-humid and semiarid regions — generally referred to as drylands, and in hillsides and mountains in the humid tropics, in comparison with irrigated areas or fertile valley bottoms."[42]

30. The poor are often blamed for land degradation and desertification. It is assumed that, faced with the imperative of short-term survival, they may have no other choice than to act against their long-term interests by degrading their land, as they strive to meet their short-term basic needs for food, shelter and a livelihood.[43] Overgrazing, deforestation, extensification and intensification of agriculture and unsustainable population growth are causes of land degradation and

[36] *Rural Poverty Report 2001: The Challenge of Ending Rural Poverty* (New York, International Fund for Agricultural Development, Oxford University Press, 2001).

[37] Ibid.

[38] *The State of Food Insecurity in the World 2000*, op. cit. at note 1.

[39] "Assessment of the World Food security situation". Paper prepared for the 26th session of the Committee on World Food Security, 18-21 September 2000, (Rome, FAO, 2000).

[40] *The State of Food Insecurity in the World 2000*, op. cit. at note 1.

[41] Millennium Project Task Force on Hunger "Halving Global Hunger", background paper on The Task Force 2 on Hunger, Millennium Project (New York, 18 April 2003).

[42] Ibid, p. 43.

[43] Stephen Devereux, "Food Insecurity in Ethiopia". Discussion paper prepared for DFID, IDS Sussex, October 2000.

desertification.[44] However, it is important to recognize that these immediate causes are usually linked to much broader causes.[45] Many factors affect land degradation, including people's lack of access to water, agricultural inputs, credit and agricultural infrastructure that would allow sustainable agriculture. The poor often have little choice but to live on land that is inherently poor and risk prone, with limited access to water and other infrastructure services, sometimes because they have been pushed off more fertile lands by wealthier landowners. The broader impacts of global climate change, economic globalization, and political and economic marginalization can all affect livelihoods in dryland areas.[46] A whole range of different factors at local, national and global levels in each country have an impact on land degradation and desertification, including inappropriate government policies.[47]

31. Although the poor are often blamed for land degradation, inappropriate national and international policies for the drylands have sometimes been more to blame. In the past, policies have been based on misunderstandings of the ecological dynamics of dryland regions and of traditional land use practices, particularly pastoralism.[48] Although pastoralists were long blamed for overgrazing, it is now recognized that pastoralist strategies are very well adapted to the special risks that characterize drylands, as long as pastoralists are able to follow the rains with their animals. Unfortunately, there has been a tendency to impose modern models of land management which have encouraged fencing and privatization of the land to create ranching systems that restrict the movement of animals and people, have been ill-adapted to the drylands and have resulted in overgrazing and land degradation. More recently, however, many experts have come to recognize that the traditional way of life of nomadic pastoralists is very well adapted to managing the risks and making the best use of marginal drylands.[49]

32. While overpopulation is often a factor that causes land degradation, it does not inevitably lead to land degradation and desertification. In Kenya, for example, the previously highly degraded lands of the Machakos district are in a much better state today that they were in the 1930s, despite the population having increased by more than five times. The introduction of terracing, small-scale water-harvesting and the planting and protection of trees, and substantial investment in infrastructure,

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[44] See A. McCulloch, S. Babu and P. Hazell, eds. *Strategies for Poverty Alleviation and Sustainable Natural Resource Management in the Fragile Lands of Sub-Saharan Africa* (Feldafing, Germany, Deutsche Stiftung fur Internationale Entwicklung (DSE), 2000) and N. Ahmed, "Economic, social and cultural causes and consequences of drought and desertification", IFAD Technical Advisory Division (no date). Paper available on the Internet at: http://www.unccd.int/knowledge/INCDinfoSeg/partiii.php#para1.

[45] S. A. Way, "Examining the Links between Poverty and Land Degradation: From Blaming the Poor towards Recognising the Rights of the Poor" in P. M. Johnson, K. Maynard, and M. Paquin, op. cit.

[46] *The Social Dimensions of Desertification: Annotated Bibliography and Literature Review* (London and Nairobi, IIED/UNRISD, 1996).

[47] M. Leach and R. Mearns, eds., *The Lie of the Land: Challenging Received Wisdom on the African Environment* (Oxford, James Currey, 1996), and Tim Forsyth and Melissa Leach with Ian Scoones, "Poverty and Environment: Priorities for Research and Policy: An Overview Study". Paper prepared for the United Nations Development Programme and European Commission, September 1998, IDS: Sussex.

[48] I. Scoones, ed., *Living with Uncertainty: New Directions in Pastoral Development in Africa* (London, Intermediate Technology Publications, 1994).

[49] Ragnar Øygard, Trond Vedeld and Jens Aune "Good Practices in Drylands Management". Paper prepared by Noragric Agricultural University of Norway for the World Bank: Washington, D.C.

including markets and development, have facilitated a rehabilitation of degraded land.[50] The Special Rapporteur also found on his mission to Ethiopia that in regions where there has been significant investment in the land and infrastructure, particularly in small-scale water-harvesting, the land can be rehabilitated to become substantially more productive (see E/CN.4/2005/47/Add.1). In fact, investment in small-scale water-harvesting can be one of the key elements in improving the realization of the right to food in arid regions.

33. Unfortunately, however, despite evidence that investment in drylands, including public investment in sustainable water management, is essential to rehabilitate land and to reduce the impact of land degradation on hunger, few resources are directed towards rural drylands. Hunger and food insecurity persist not only because of the low productivity and the threat of drought, but because of the lack of adequate investment in these areas and the lack of recognition of the rights of the people who live in them. International efforts to combat hunger — including poverty reduction strategies — still pay little attention to the problems of land degradation and desertification. Investment in rural development in terms of government and donor expenditure continues to fall, and drylands are accorded a very low level of priority, disproportionate to their size, population and need. Donors do respond to severe droughts by offering food aid, but offer little in the way of longer-term development aid that would break the cycle of repeated drought, degradation and destitution. And while food aid saves lives, it does not save livelihoods — it is not a long-term solution, as the Special Rapporteur has found in Ethiopia and the Niger (see E/CN.4/2005/47/Add.1 and E/CN.4/2006/44).

34. It is essential to invest in long-term development that reduces vulnerability to drought and desertification. This is possible. During his visits to the Niger in 2001 and 2005, for example, the Special Rapporteur found that the Niger's water resources were quite vast. Beneath the Niger's desert lies one of the largest fresh water acquifers in the world, and there is significant potential for better management of the Niger River and rainwater run-off.[51] Investing in small-scale water harvesting and digging wells where appropriate have reduced the vulnerability to drought of people dependent on rain-fed agriculture and has allowed some people in the Niger to grow three crops per year. Although the cost of a well depends on its depth and is difficult when the water line can be as far down as 80 metres, in many regions water is accessible at a relatively shallow 6 metres. In the Niger one quarter of the children die before they reach the age of five; this tragedy could be prevented. The main problem has been the lack of finance available to invest in small-scale water management to improve food security.

35. The Special Rapporteur is therefore encouraged that, in the drive to implement the Millennium Development Goals, there is growing international awareness of the need to invest in drylands to fight hunger. The Millennium Project Task Force on Hunger placed special emphasis on marginal rural areas, including drylands, and argued that reaching the Millennium Development Goals on hunger will require

[50] M. F. Tiffen and M. J. Mortimore, *More People, Less Erosion: Environmental Recovery in Kenya* (Chichester, UK, J. Wiley, 1994).

[51] This includes 2 million $m^3$ of renewable water and 2,000 million $m^3$ of non-renewable water in subterranean aquifers, as well as the Niger River with 30 million $m^3$ per year, of which only 1 per cent is exploited. See Government of Niger, Ministry of Water Resources, "Liste des projets dont le financement est à rechercher et des fiches de syntheses".

investment in these lands. The report of the Task Force argues that "[t]o ignore marginal lands would consign millions to poverty and abandon vast areas of genuine potential".[52]

36. As all Governments know well, a failure to resolve the issue of land degradation and desertification in Africa and around the world is likely to lead to even greater conflict and to further migration flows towards the developed countries. In 2005, 7,500 African migrants fled by boat to the south of Spain and at least 1,000 people did not survive the crossing. In 2006, the pattern has been almost the same. The response of Europe and other developed countries must be more than simply to increase the patrolling and surveillance of borders; the root causes of extreme poverty and economic migration, including desertification and land degradation, must be addressed.

37. Under current international law, there is no legal protection for an "ecological refugee", as the status of "refugee" applies only to a person fleeing persecution, as defined in article 1 of the 1951 United Nations Convention relating to the Status of Refugees. However, there is a legal framework under the Convention to Combat Desertification which aims to prevent desertification and land degradation, and their impacts on poverty and migration. This convention is the only international legal instrument which focuses attention specifically on dryland regions and desertification-affected communities around the world. Coming into force exactly 10 years ago, it has been ratified by 191 States and has greatly contributed to arising international awareness of the desertification-related issues in rural drylands, focusing on both desertification and development. However, a gap in implementation remains as a result of a lack of financial resources from national Governments and international donors.

38. With repeated droughts and repeated famines, especially in Africa, it is clear that there is an urgent need to invest and to build resilience to drought, which comes repeatedly and regularly, if not predictably, to dryland regions. It is unacceptable that drylands are still accorded such a low level of priority, disproportionate to their size, population and need. The Special Rapporteur therefore calls for the full implementation of the Convention to Combat Desertification, and of the International Covenant on Economic, Social and Cultural Rights, to ensure the full realization of the right to food in the drylands.

39. For all the States parties to the International Covenant on Economic, Social and Cultural Rights, realizing the right to food is not merely a policy choice, but a legal obligation. There is a legal obligation on Governments to respect, protect and fulfil the right to food of all those under their jurisdiction, including people living in marginalized drylands. This means respecting and protecting appropriate livelihood strategies, but also where necessary supporting livelihoods to fight hunger and realize the right to food. All Governments also have extraterritorial obligations towards the realization of the right to food, as outlined in the Special Rapporteur's last report to the Commission on Human Rights (E/CN.4/2006/44). This means that all Governments must support the realization of the right to food in other countries, including for people living in marginalized drylands.

[52] Millennium Project 2004 interim report: *Halving hunger by 2015: a framework for action*, interim report, op. cit. at note 3, p. 164.

# V. The new Human Rights Council and the right to food

40. The Special Rapporteur welcomes the establishment of the Human Rights Council. He believes that the creation of the Council, on a permanent basis with more extensive powers, will be very important if, in its future work, it succeeds in making Governments more accountable and people more empowered to claim their rights. This would ensure better protection of all human rights, including the right to food. In this section, the Special Rapporteur apprises the General Assembly of important results that have already been achieved by the Council during its first session, held in June 2006, and how they are related to the right to food.

## A. Legal protection for indigenous peoples

41. At its first session, the Human Rights Council adopted the United Nations Declaration on the Rights of Indigenous Peoples (resolution 2006/2), which is particularly relevant for the right to food.

42. As the Special Rapporteur underlined in a previous report to the General Assembly (A/60/350), the right to food of indigenous peoples is frequently denied or violated, often as a result of systematic discrimination or the widespread lack of recognition of indigenous rights. Indigenous and tribal peoples comprise some 5,000 distinct peoples and around 350 million persons, with the vast majority living in developing countries. The levels of hunger and malnutrition among indigenous peoples are generally disproportionately higher than among the non-indigenous population. In Guatemala, for instance, while the present Government has made important efforts to promote the right to food, indigenous peoples still face much higher levels of poverty and malnutrition than the rest of the population. In many countries, inappropriate development efforts can intensify their marginalization, poverty and food insecurity by failing to recognize indigenous ways of ensuring their own subsistence. Some of the key issues facing indigenous peoples include the lack of recognition of their rights to land and resources, the appropriation of their resources, including through intellectual property rights, and their lack of access to justice.

43. Until now, the only international instrument offering specific protection for indigenous peoples was the Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169) of the International Labour Organization (ILO), which has been ratified by 17 States. This Convention is important, protecting indigenous peoples' right to food, as well as a broad range of civil, political, economic, social and cultural rights. The adoption by the Human Rights Council of the United Nations Declaration on the Rights of Indigenous Peoples offers the possibility of greater protection for indigenous peoples, going beyond the ILO Convention. The Declaration recognizes that indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. It also recognizes their right to self-determination and rights over land and resources, acknowledging the historical injustices of colonization but also addressing contemporary threats posed by economic globalization, offering protection of traditional knowledge, biodiversity and genetic resources, and setting limits on the activities of third parties on the territories of indigenous communities without their consent. This new instrument,

even if it is not a treaty, represents an important new tool that indigenous peoples can use to claim their rights, including their right to food, and seek appropriate remedies in case of violations.

44. In his report to the General Assembly last year, the Special Rapporteur recommended that States should take special measures to respect, protect and fulfil the right to food of indigenous populations and stressed that they must not tolerate discrimination against them. An important step this year would be the adoption by the General Assembly of the Declaration, if possible by consensus. That would send a clear message to the indigenous peoples that their rights are recognized and given priority by all States. The Special Rapporteur also encourages all States to take the appropriate steps to implement the Declaration at the national level. The next step would be the elaboration and adoption of a new binding instrument, such as an international covenant on the rights of indigenous peoples.

## B. Optional protocol to the International Covenant on Economic, Social and Cultural Rights

45. The Special Rapporteur welcomes the decision of the Human Rights Council in its resolution 2006/3 to renew the mandate of the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights for a period of two years, with a specific mandate to elaborate a first draft optional protocol.

46. The elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights will mark significant progress at the international level in the development of a practical framework for the understanding and implementation of economic, social and cultural rights, including the right to food. Its adoption would greatly improve access to justice for victims of violations of the right to food, by allowing individuals or groups to bring a complaint directly to the Committee on Economic, Social and Cultural Rights.

47. Lack of access to justice is a serious problem for victims of violations of the right to food. During his missions to countries such as Brazil, Ethiopia and Bangladesh, the Special Rapporteur found that it is sometimes very difficult for poor people and peasant farmers to have access to justice before local and national tribunals. Strengthening and reform of national justice systems, including in rural areas, are therefore essential to ensure justice for the poor. Strengthening of mechanisms at the international level is also essential for victims of violations. In many countries the right to food is still not justiciable at the national level. This is why the adoption of an optional protocol is important. It will allow victims, once they exhaust national mechanisms of redress, to submit their case to the Committee on Economic, Social and Cultural Rights.

48. Access to justice can concretely improve the realization of the right to food. In India, for example, where the right to food is judicially enforceable, the People's Union for Civil Liberties, a human rights organization, brought public interest litigation to the Supreme Court on behalf of people suffering from hunger. In response, the Court directed all State governments to improve the implementation of the food relief programmes of the central Government, including the Targeted Public Distribution Scheme, the Integrated Child Development Scheme and the Mid-Day Meals Scheme. These directives, by transforming the policy choices of the

Government into enforceable, justiciable rights of the people, have significantly improved the realization of the right to food by holding local and national authorities accountable for ensuring freedom from hunger (see E/CN.4/2006/44/Add.2).

49. Many arguments have been advanced in the past to suggest that the right to food could not be justiciable (see E/CN.4/2002/58). However, developments in case law at the national, regional and international levels on the right to food and other economic, social and cultural rights have shown that arguments against the justiciability of these rights are now outdated and no longer credible. The definition of right to food has been the subject of considerable development, from the legal doctrine to the work of the former Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on the right to food, Asbjorn Eide, and of the Committee on Economic, Social and Cultural Rights, as well as case law. This has shown how the Committee can determine in a concrete case whether the right to food has or has not been violated. It has also shown that both the progressive realization and the resources requirements are not barriers to justiciability.

50. As requested by the Human Rights Council, the Chairperson of the Working Group will prepare a first draft optional protocol to be used as a basis for the forthcoming negotiations. The Special Rapporteur encourages the Chairperson to base this work on the existing draft optional protocol produced by the Committee on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex) which is an excellent starting point. The Special Rapporteur also believes that all human rights recognized in the International Covenant on Economic, Social and Cultural Rights are justiciable and encourages States to ensure that under the optional protocol the Committee will be able to make determinations concerning possible violations of all these rights.

## C. The right to development

51. The right to development is also particularly important for the implementation of economic, social and cultural rights. The Special Rapporteur welcomes adoption of resolution 2006/4 in which the Human Rights Council endorsed the recommendations of the Working Group on the Right to Development adopted at its seventh session in January 2006 and decided to renew its mandate for one year. At the World Conference on Human Rights in Vienna in 1993, all States recognized that the right to development is a universal and inalienable right and an integral part of fundamental human rights. Article 1 of the Declaration on the Right to Development defines the right as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized".

52. The right to development is intrinsically linked to the full realization of all human rights, including and especially the right to food. Arjun Sengupta, independent expert on the right to development, has said that States should adopt a step-by-step approach to the right to development that aims to achieve, as a matter of urgency, three basic rights: the right to food, the right to primary education and the right to health. That would mean that "[t]hese rights would claim the priority in

the use of the States' financial and administrative resources" (E/CN.4/1999/WG.18/2, para. 70). The Special Rapporteur concurs.

53. All States have the obligation to cooperate internationally and to use their resources in an appropriate manner to realize the right to development. As the Declaration on the Right to Development stipulates, "States have the primary responsibility for the creation of the national and international conditions favourable to the realization of the right to development" (art. 3). Creating such favourable conditions means that Governments must promote development policies and international cooperation that respect, protect and fulfil all human rights, including the right to food. As the Working Group on the Right to Development has suggested, this means increasing both the quantity and the quality of official development aid, eliminating obstacles to development, including foreign debt, and assessing carefully the social impacts of international trade and the activities of transnational corporations (see E/CN.4/2006/26). All these issues are closely related to the issue of the protection of the right to food in an era of globalization which the Special Rapporteur addressed in his last report (E/CN.4/2006/44) which he will present to the Human Rights Council at its next session. By addressing them, the Working Group on the Right to Development provides an invaluable input to the realization of the right to food.

# VI. Conclusions and recommendations

54. **The Special Rapporteur makes the following conclusions and recommendations:**

(a) **The current massive underfunding of United Nations programmes, especially in Darfur, the Sahel and the Horn of Africa, is unacceptable. The right to food is primarily a national obligation, but when resources fall short in crisis situations, it becomes an international obligation to prevent starvation. All Governments have a responsibility to respond to urgent appeals in relation to food crises;**

(b) **The collapse of the Doha Round of WTO trade negotiations and the failure to revise the "rigged rules and double standards"[53] of the current Agreement on Agriculture is also unacceptable. Dumping must not be permitted when it displaces livelihoods, especially in countries where the majority of the population still depend on agriculture for securing their right to food. All Governments have a responsibility to create the international conditions that permit the realization of the right to food;**

(c) **Hunger is still primarily a rural problem, and the majority of those suffering from hunger depend on small-scale agriculture and pastoralism but do not have sufficient access to productive resources such as land, water, infrastructure and extension services. Improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty;**

(d) **Approximately 50 per cent of those suffering from hunger live on marginal and degraded lands, including drylands facing desertification.**

[53] Available at http://www.maketradefair.org/assets/english/report_english.pdf.

**Fighting hunger in rural areas must therefore include fighting desertification and land degradation, through investments and public policies that are specifically appropriate to the risks of the drylands. Full implementation of the United Nations Convention to Combat Desertification is a global responsibility;**

**(e) Preventing famine requires reducing vulnerability to drought, particularly in Africa. Investment in appropriate, small-scale irrigation and water management technologies must be a central part of strategies for reducing vulnerability to drought;**

**(f) International protection of "ecological refugees" or "environmental migrants" is currently as inadequate as the low level of investment addressing the root causes of environmental migration. Protection under international law should be instituted for people forced to flee their lands for environmental reasons;**

**(g) International protection of indigenous peoples also remains inadequate, and the right to food of indigenous peoples is frequently denied or violated, given systematic discrimination and the widespread lack of recognition of indigenous land and water rights. The Special Rapporteur urges the General Assembly to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a first step in the elaboration and adoption of a new binding instrument, such as an international convention on the rights of indigenous peoples;**

**(h) Access to justice for victims of violations of the right to food is central to the protection of this right. Protection of the right to food at national, regional and international levels must be ensured by strengthening judiciaries and by ensuring the justiciability of the right to food. The Special Rapporteur urges all Governments to work constructively on the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;**

**(i) The right to food is closely linked to the right to development. The Special Rapporteur calls on all States to commit to finding practical steps to make the right to development a reality;**

**(j) In a world richer than ever before, the fact that one child dies of hunger every five seconds is a shame on humanity. It is a violation of human rights. We cannot leave these children to die.**